

03-0430 D.F. v. Steve Wolfe Issued: 4/27/05

The Uninsured Employers' Fund ("UEF") asks the Utah Labor Commission to review Administrative Law Judge Hann's award of benefits to D. F. under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUES PRESENTED

On April 14, 2003, Mr. F. filed an application for hearing with the Commission to compel Steve Wolfe to pay workers' compensation benefits for an injury Mr. F. allegedly suffered on May 5, 2002, while working as a roofer for Mr. Wolfe. Because Mr. Wolfe did not have workers' compensation insurance, the Commission added the UEF as a respondent to Mr. F.'s claim. Judge Hann held an evidentiary hearing on Mr. F.'s claim on March 30, 2004. Judge Hann then issued her decision on September 15, 2004, awarding temporary total disability compensation and medical benefits to Mr. F.. Judge Hann concluded that Mr. Wolfe was insolvent and, for that reason, ordered the UEF to pay the foregoing benefits.

In asking the Commission to review Judge Hann's decision, the UEF argues that the evidence does not support Judge Hann's findings of fact.

DISCUSSION AND CONCLUSION OF LAW

The Commission notes the unusual delay between Mr. F.'s accident and the filing of his application for benefits. The Commission also notes Mr. F.'s delay in obtaining medical treatment. Nevertheless, the evidence submitted by Mr. F. is essentially uncontradicted by any other evidence. Under these circumstances, the Commission concludes that Judge Hann's findings of fact are supported by the evidence and are sufficient to warrant Judge Hann's award of benefits in this matter.

ORDER

The Commission affirms Judge Hann's decision and denies the UEF's motion for review. It is so ordered.

Dated this 27TH day of April, 2005.

R. Lee Ellertson, Commissioner